

REMARKS

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 1-15, 19, and 24 have been canceled. Claims 17-18, 20, 22-23, and 25, amended claims 16 and 21, and new claims 26-27 are in the application.

A telephone conference between the Examiner and Dennis Smid (one of the applicants' undersigned attorneys) was held on October 5, 2004. The applicants and Mr. Smid wish to thank the Examiner for his time and consideration for such telephone conference.

A Final Office Action issued on May 6, 2004. The following remarks are submitted in response to such Final Office Action as discussed during the October 5<sup>th</sup> telephone conference.

Claims 16-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda (U.S. Patent No. 6,441,916) and in view of Cristofalo (U.S. Publication No. 2002/0166119).

Independent claim 16 recites in part the following:

“means, when the electronic mail has been received, for causing the retrieved music file to be reproduced and for causing a signal to be

supplied to a display means representative of the respective title and artist such that the retrieved music file is reproduced simultaneously or substantially simultaneously with the display of the respective title and/or artist on a screen of said display means." (Emphasis ours.)

It is respectfully submitted that the combination of Toyoda and Cristofalo as applied by the Examiner (hereinafter, merely "the combination of Toyoda and Cristofalo") does not disclose the above features of claim 16. Accordingly, it is submitted that claim 16 is distinguishable from the combination of Toyoda and Cristofalo. For somewhat similar reasons, it is also believed that independent claim 21 is distinguishable from the combination of Toyoda and Cristofalo. Claims 17-18, 20, 22-23, and 25 are dependent from one of independent claims 16 and 21 and, due to such dependency, are also believed to be distinguishable from the combination of Toyoda and Cristofalo for at least the reasons previously described.

New claims 26-27 are dependent from one of independent claims 16 and 21 and, due to such dependency, are also believed to be distinguishable from the combination of Toyoda and Cristofalo for at least the reasons previously described. Additionally, claims 26-27 recite in part "wherein the causing means [step] causes the picture file to be displayed on said display means when the electronic mail has been received."

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

The Examiner has apparently made of record, but not applied, several documents. The Applicants appreciate the Examiner's implicit finding that these documents, whether considered

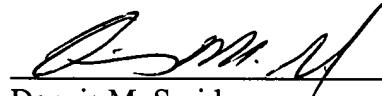
alone or in combination with others, do not render the claims of the present application unpatentable.

In view of the foregoing, entry of this amendment and these remarks and withdrawal of the rejection of claims 16-18, 20-23, and 25 and the allowance of this application with claims 16-18, 20-23, and 25 are respectfully requested.

Please charge any fees incurred by reason of this response and not paid herewith to  
Deposit Account No. 50-0320.

Respectfully submitted,  
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